

IN THE UNITED STATES BANKRUPTCY COURT FOR
SOUTHERN DISTRICT OF NEW YORK

In Ref:

Adversary Case No.: _____

GMAC MORTGAGE CORPORATION,

Debtor,

Case No.: 12-12032-MG

PRINCESS DIXON,

1299 KNOTTS STREET

ATLANTA, GEORGIA 30344

Plaintiff

vs.

GMAC MORTGAGE CORPORATION, aka GMAC

MORTGAGE LLC

1100 VIRGINIA DRIVE

FORT WASHINGTON, PA 19034

AND

MORTGAGE ELECTRONIC REGISTRATION SYSTEM

(MERS)

AND

MCCALLA, RAYMER LLC

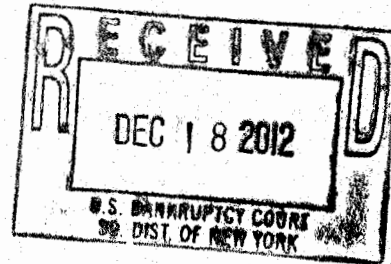
1544 OLD ALABAMA ROAD

ROSWELL GEORGIA 30076

AND

HOME AMERICA MORTGAGE

Defendant



**COMPLAINT TO DETERMINE THE VALIDITY OF GMAC MORTGAGE CORPORATION'S CLAIM TO BE THE
TRUE MOREGAGEE WITH STANDING TO FORECLOSE ON PLAINTIFF'S PROPERTY, REQUEST FOR
DISCLOSURES, RULE 2004 EXAMINATION AND APPLICATION FOR TEMPORARY RESTRAINING ORDER**

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1 Comes now, Princess Dixon, pro se Plaintiff, and files this Adversary Complaint,
2 against GMCA Mortgage LLC, (hereinafter "GMAC") seeking a Declaratory Judgment on (a)
3 the validity of the Lien against Plaintiff's property, and (b) the Validity of
4 "GMAC's" Claimed Secured Creditor with the lawful Authority to execute a non-judicial
5 foreclosure swale of Plaintiff's Property, and a Temporary Restraining Order and
6 Temporary Injunction to Stay all Foreclosure action against Plaintiff, relating to the
7 Original Note bearing serial/loan number of , and will show this Court as follows:

8 **JUDICIAL NOTICE**

9 All officers and Judges of the Bankruptcy Court, of Northern District of Georgia
10 and Southern District of New York are hereby placed on notice under authority of the
11 supremacy and equal protection clauses of the United States Constitution and the
12 common law authorities of Haines v. Kerner, relying on Willy v. Coastal Corp, In
13 reference to Haines; pro se litigants (Plaintiff is a pro se litigant) are held to
14 less stringent pleading standards than Bar registered attorneys. All litigants have a
15 constitutional right to have their claims adjudicated according to the rule of
16 precedent.

17 **REQUEST FOR PRE-TRIAL DISCOVERY**

- 18 1. Plaintiff moves this Honorable Court to grant Pre-Trial Discovery pursuant to
19 FRCP Rule 26(a)(3) because the nature of this cause is necessary to provide
20 material evidence, and expert witnesses, necessary for the Court to enter a
21 ruling and should be conducted under Discovery.

22 **PARTIES**

- 23 2. Plaintiff who is a resident of Fulton County Georgia, is the current owner of
24 referenced property located at 1299 Knotts Street Atlanta Georgia 30344.
25 3. GMAC Mortgage Corporation is one of the largest residential mortgage servicing
26 companies in the US. They can be served with process via their agent MCCALLA,
27 RAYMER LLC 1544 OLD ALABAMA ROAD ROSWELL GEORGIA 3007.
28 4. This is a core proceeding, and this Court has jurisdiction of this action
29 under the provisions of 28 U.S.C. Section 1334, and Title 11.
30 5. This action is properly commenced as an adversary proceeding pursuant to
31 Fed.R.Bankr. Proc. 7001.

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1 6. This adversary proceeding relates to and arises in the Chapter 13 case of the
2 Debtor bearing case number 12-bk-12032, which is currently pending in the
3 United States Bankruptcy Court for the Southern District of New York.

4 7. Plaintiff brings this action to determine the status of the Defendant as a
5 secured or unsecured creditor on her real estate property located at 1299
6 Knotts Street Atlanta Georgia 30344, which is her principal residence.

7 **COUNT I:**

8 **AVOID ASSIGNMENT AND MORTGAGE OF GMAC MORTGAGE**

9
10 8. The Plaintiff-Creditor owns a fee simple interest in the real estate located at
11 1299 Knotts Street Atlanta Georgia 30344, a more fully described as:
12 Parcel Number 14013400030502, Tax District 20. See Exhibit B, a true and
13 correct copy attached.

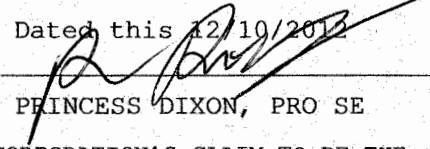
14 9. The state fair market value according to the tax notice of said property is
15 \$40,000.00. A marketing analysis prepared by a local Real Estate Company shows
16 the present value to be \$17,100.

17 10. Plaintiff Assignments are fraudulent and null and void.

18 11. Based on provisions of 11 USC 506(a) and the decision rendered by the Sixth
19 Circuit Court of Appeals in Inre Lane. 280 F.3d 663 (6th Cir. 2002), because
20 the fair market value of the residence (\$17,100.00) is less than the balance
21 owed on the alleged mortgage to GMAC Mortgage (\$83,000) the mortgage of GMAC
22 Mortgage is an unsecured claim.

23 WHEREFORE, Plaintiff/Creditor prays that this Honorable Court enter its Order
24 declaring and determine the mortgage lien held by GMAC Mortgage encumbering
25 Plaintiff's/Creditor's principal residence to be an unsecured claim and
26 cancelled of record upon completion of the Plan pursuant to 11 USC 506 and
27 further declaring that the claim shall be paid only as unsecured through a new
28 loan modification and for such other and further relief as it just and proper.

29
30 Dated this 12/10/2012

31 
32 PRINCESS DIXON, PRO SE

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